



19 AUG 2002

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WASHINGTON, D.C. 20231
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Suite 400, One Penn Center
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103

In re Application of
KELLY et al.
U.S. Application No. 09/787,602
PCT No.: PCT/US99/21666
Int. Filing Date: 20 September 1999
Priority Date: 21 September 1998
Attorney Docket No.: MOT-D2191
For: METHOD AND APPARATUS FOR
SHUFFLING AND DESHUFFLING
VIDEO SIGNALS

DECISION ON PETITION
UNDER 37 CFR 1.47(a)

This decision is in response to the (second) "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed 17 June 2002. In a decision dated 09 April 2002, the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed 08 February 2002 was dismissed because applicant did not provide adequate proof that the joint inventor, Charles P. Kelly, refused to execute the application or could not be reached after diligent effort.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. The 27 November 2001 decision indicated that petitioner satisfied items (1), (3) and (4) above.

As to Item (2), a review of the present petition and the accompanying papers reveal that applicant has satisfied item (2), in that the applicant has shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Charles P. Kelly and that Mr. Kelly has refused to execute the application.

Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application will be given an international filing date of 20 September 1999 under 35 U.S.C. 363, and a date of **27 August 2001** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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AND DESHUFFLING VIDEO SIGNALS

Dear Mr. Kelly:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.497.

A handwritten signature in black ink, appearing to read "Boris Milef", with the word "FOR" written in small capital letters below it.

Boris Milef
PCT Legal Examiner
PCT Legal Office

A handwritten signature in black ink, appearing to read "Anthony Smith".

Anthony Smith
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